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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,674	07/16/2004	Lajos Simon	7862/84083	2307

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EXAMINER

NGUYEN, JIMMY T

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,674

Applicant(s)

SIMON, LAJOS

Examiner

Jimmy T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some * c) ☐ None of:
 - 1. ☒ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/16/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Information Disclosure Statement***

The information disclosure statement filed July 16, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document (except for FR 2694722 A1); each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered (except for FR 2694722 A1).

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the drawing of **“a spindle” and “an electric motor” (claim 5)** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

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drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to under 37 CFR 1.71 as not clearly describing the subject matter. The specification discloses that the bottle holder (4), the heating element (6) and the lid (5) are kept in the upper position by biasing force of the spring means (3) (page 4, last paragraph and figure 1) and then the spring means (3) forces/presses the bottle upward after starting the heating (col. 5, lines 6-7); the specification further discloses that the compacting power is gained from the weight of the lid (page 6, lines 5-6). The Examiner does not understand how the weight of the lid could provide compacting power onto the bottle to compress the bottle downward when the lid is being forced upward by the spring. Additionally, the specification also discloses that there is a mechanical compacting means having gear rim (18) and gear rack (19) for providing additional compacting operation (page 6, lines 9-12). With this compacting means of gear system installed in the apparatus, the Examiner does not see how the weight of the lid could move the lid downwards to compress the bottle because the gear system of the compacting means would prevent the lid from moving downward.

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The disclosure is further objected to because of the following informalities:

Regarding the specification, the section headings are missing.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Appropriate correction is required.

Claim Objections

Claim 1 is objected to because of the following informalities:

In claim 1, line 6, the punctuation mark “?” should be changed to --- ; ---.

In claim 1, line 9, after the word “and”, a punctuation mark --- ; --- should be added.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

See discussion in the objection to the specification under 37 CFR 1.71 above regarding the compacting function of the lid/fixing element.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding claim 1, lines 3-4, there is no antecedent basis for “the softened bottle” in the claim.

Regarding claim 1, line 5, it is unclear which elements does the word “its” refer to. Does it refer to the bottle or the housing /frame ?

Regarding claim 1, line 7, there is no antecedent basis for “the part” in the claim.

Regarding claim 1, line 8, there is no antecedent basis for “the neck part” in the claim.

Regarding claim 3, lines 1-2, the limitation “the compressing means and the fixing element for the bottle is a lid” is confusing. It is unclear which elements is the lid. If they are both the lid, the Examiner suggests: “the compressing means and the fixing element for the bottle formed a lid”.

Regarding claim 4, line 2, there is no antecedent basis for “the base” in the claim.

Regarding claim 14, lines 1-2, there is no antecedent basis for “the additional mechanical compacting means” in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 5 and 13, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ducruet (FR2668732) in view of Menzak, Jr. (US 5,832,818).

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Regarding claim 1, as best as understood, Ducruez discloses an apparatus for compacting empty plastic bottle (10), comprising a housing (fig. 1) for receiving the bottle, an element (22) for fixing the bottle, a heating element (7) for softening the bottle, and a compressing means (20) for compacting the softened bottle, wherein the housing is constructed to receive the bottle with a mouth part of the bottle upward (fig. 1); and the fixing element is a sealable plug (22) in the compressing means, to be fitted into the mouth of the bottle and having an air channel (23). Ducruez discloses the heating element arranged on the bottom of the bottle, Ducruez does not disclose the heating element is being arranged around a neck part of the bottle in its starting position. However, the patent to Menzak, Jr. teaches bottle compactor having heating element (24) arranged around a neck and a body of a bottle (figs. 3 and 5) in order to uniformly heat the bottle. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the bottom arrangement of Ducruez's heating element with the arrangement of a heating element around the body and the neck of the bottle, as taught by Menzak, Jr. in order to improve the heating of the bottle.

Regarding claim 3, as best understood, Ducruez discloses the compressing means (20) and the fixing means (22) formed a lid of the bottle (fig. 2).

Regarding claim 4, as best understood, Ducruez discloses the lid compressed the bottle toward a base (8) by a weight of force from a drive mechanism (14, 15, 16, 18, and 19).

Regarding claim 5, Ducruez discloses the lid is lifted and lowered by a spindle (figs. 1-2) driven by an electric motor (14).

Regarding claim 13, Ducruez discloses mechanical means (14, 15, 16, 18, and 19) for additional compacting.

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Note that claims 2, 6-12 and 14 have not been rejected over prior art. However, in view of the issues under 35 USC 112 rejections and the objections to the specification as set forth above, the allowability of the claims can not be determined at this time.

Conclusion

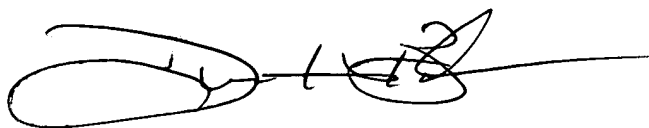
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The foreign prior art listed on the attached PTO 892 are cited to show relevant bottle compacting apparatus. US 3,544,258 discloses a valve positioned on top of a container (1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNgyuen
September 17, 2005



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